SBCivil Writ Petition No.4440/2006

Jayanti Lal Suar
Vs.
The Marwar, Ganganagar, Bikaner (MGB) Gramin Bank, Pali and others.

Date of Order :: 4th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.P.Sharma, for the petitioner.
Mr. P.K.Lohra, for the respondents.

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By this petition for writ a challenge is given to the order dated 8.8.2006 passed by General Manager, MGB, Rural Bank, Pali to the extent it relates to transfer of petitioner from Bhanwari-S to Bagoda.

The contention raised by counsel for the petitioner to challenge the order impugned is that the order of transfer is in violation of transfer policy adopted by the bank on 16.4.1988.

In reply to the writ petition it is stated on behalf of the respondents that transfer of the petitioner was made in administrative exigency and in interest of bank. There is no violation of any statute and the order of transfer is also not an out come of any malafides.

Heard counsel for the parties.

It is well settled that the courts can interfere with an order of transfer if the same is in

violation of statute, is shockingly arbitrary or is apparently out come of malafides and extraneous consideration. No material is available on record to substantiate that the order is an out come of malafides or extraneous consideration. The allegation of order being passed in contravention of transfer policy is also not sustainable as the policy does not possess any statutory force and also not create any right in favour of the petitioner that may be justiciable by this Court under Article 226 of the Constitution of India.

A transfer is a normal incidence in service and to interfere with such an order there must be a violation of statutory right or the order should be out come of malafides. No such circumstance is available in the instant matter.

The writ petition, therefore, is dismissed. It is open for the petitioner to submit a representation to the management of the respondent bank if he is having any inconvenience at his present place of posting. In the event of submission of such representation, it is expected from the respondents that they shall consider the same objectively and expeditiously.

(GOVIND MATHUR),J.

kkm/ps.